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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,075	09/29/2000	Gregory Bruce Gillooly	E20000370	9402

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EXAMINER

WANG, LIANG CHE A

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,075

Applicant(s)

GILLOOLY ET AL.

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-18 is/are rejected.
- 7) ☒ Claim(s) 6 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-18 have been examined

Claim Objections

2. Claims 6 and 15 are objected to because of the following informalities: computer-programming code is allowed to be included in the claims as long as the claim it depends on is statutory. However, descriptions or comments to the programming code are required for readers to understand the purpose of the codes.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 1-5, 7-14, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atsatt et al., US Patent Number 6,233,622, hereinafter Atsatt, in view of Niblett et al., US Patent Number 6,336,135, hereinafter Niblett.
5. Referring to claim 1, Atsatt has taught a method for use with those a of a plurality of commands sent by at least one client (Col 3 lines 4-10, Figure 1 item 14) on a network (item 12, Figure 1), connected to a network communication coupler designated by at least one client (items 22 and 24, Col 2 lines 48-51 are viewed as coupler that connects to the

external computer program, Col 3 lines 37-65), as delayed response command (see Figure 2, commands flow from item 18 to item 24 are viewed as delayed response commands) comprising the steps of: storing in said coupler (Col 79 lines 9-16, "creating request and reply objects **in the memory**" is viewed as storing), a first instance (item 32, figure 3) of a template (Col 4 lines 42-44, Col 80 lines 3-4), said first instance used to store in said coupler at least one of said delay response command during execution of said at least one delayed response command by said coupler (Col 3 lines 54-65, and Col 4 lines 31-41, IWebRequest is stored in the coupler as a delayed response command while execution); and storing (Col 79 lines 9-16, "creating request and reply objects **in the memory**" is viewed as storing) in said coupler a second instance (item 34 Figure 3) of said template (Col 4 lines 42-44, Col 80 lines 3-4), said second instance used to store in said coupler a reply to said at least one delayed response command executed by said coupler (see figure 2, reply is generated when request is executed.)

Atsatt has not explicitly taught wherein the reply is stored until said reply is retrieved by said client.

However, Niblett has taught "when a reply is subsequently received from the application program, it is placed in a storage at the server and held until such time as the client sends a further communication to the server." (Col 6 lines 51-57)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Atsatt such that to store the reply until the said reply is retrieved by the client, because both Atsatt and Niblett provide inventions regarding the request and reply command in a client/server environment.

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A person with ordinary skill in the art would have been motivated to make the modification to Atsatt because having Atsatt's invention to store the reply until the client retrieves it would allow the server to receive a confirmation from client before it release the reply back to the client, this confirmation would provide ~~an~~^a more accurate and safer delivery of command reply.

6. Referring to claims 2-5, 7-9, Atsatt in view of Niblett has taught an invention as described in claim 1 is implemented in a object-oriented programming environment (Col 1 lines 47-55), claims 2-5 and 7-9 recites the limitation of well known elements in object orientated programming, such as class, template, declaration, parameter list, pointer, enumerated values for boundary and conditions, and constructor, destructor, and access methods, which a person with ordinary skill in the object oriented programming art would be knowledgeable to come out with the same limitation since all the features described in claims 2-5, 7-9 are well known features in the object oriented programming.
7. Due to uncertainties (as indicated in the claim objection section above) of claims 6 and 15, no art has been applied thereto, see In re Steele, 305 F.2d859 134 USPQ 292 (CCPA 1962). The examiner will not speculate as to the intended meaning.
8. Referring to claims 10-14, 16-18, claims 10-14, 16-18 encompass the same scope of the invention as that of the claims 1-5, 7-9. Therefore, claims 10-14, 16-18 are rejected for the same reason as the claims 1-5, 7-9.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
10. Guenthner et al., US Patent Number 6,360,262, has taught mapping web server objects to TCP/IP ports (see figure 4A)
11. Capiere, US Patent Number 5,996,017, has taught a method for information exchange in the customer/server mode between stations connected by a communication network.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain T can be reached on (703)308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.
14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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Liang-che Alex Wang 王良哲
September 3rd, 2003



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER